

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

T01-0041

STIPULATED AGREEMENT NO. 887

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "COMMISSION", the Norfolk Southern Railway Company, hereinafter referred to as "COMPANY", Sidney Township of Champaign County, hereinafter referred to as "TOWNSHIP", and the State of Illinois, Department of Transportation, hereinafter referred to as the "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through staff investigation that inquiry should be made into the matter of improving public safety at the crossing of the COMPANY 's track with a public highway known as Township Road ("TR") 274 located Near Sidney in Sidney Township, Champaign County, Illinois, designated as crossing AAR/DOT 479 905B, milepost 326.22WA; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a member of the Commission's Rail Safety Section staff; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight, distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) the installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- b) the widening of the roadway from the existing 11 feet to 16 feet with 2 foot shoulders on each side of the roadway, including the reconstruction of the south highway approach to meet Commission regulations. (Note: the proposal for the north highway approach is referred to in the Special Provisions Section, page 3, of this Stipulated Agreement.)

Section 3 The COMPANY and TOWNSHIP have prepared preliminary estimates of cost to accomplish the proposed improvements which they may be required to perform. Said estimates are attached as Exhibits B and C. The COMPANY and TOWNSHIP shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the COMMISSION and DEPARTMENT.

Section 4 The COMPANY and TOWNSHIP shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with their own forces or appropriate contracted services and agree that an appropriate time for the submission of plans should be one hundred twenty (120) days and for the completion of the proposed improvements should be twelve (12) months, from the date of COMMISSION Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost for the improvements listed in Section 2(a), estimated to be \$119,800, shall be allocated 95% of the actual cost, in an amount not to exceed \$113,810, to the Grade Crossing Protection Fund with all remaining costs, as well as the cost of future maintenance and operation of the warning devices, being borne by the COMPANY. (See Exhibit B)
- b) the cost for the highway approach improvements, estimated to be \$9,730, and all cost of future maintenance of the highway approaches, should be borne 100% by the Township. (See Exhibit C)

Section 6 The TOWNSHIP is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 7 Special Provisions: All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Hank Cronister, Bureau of Local Roads and Streets, Main Office of the Illinois Department of Transportation at 2300 South Dirksen Parkway, Springfield, IL 62764. The DEPARTMENT shall submit a copy of all bills received to the Director of Processing and Information, Transportation Division of the COMMISSION. The final bill for expenditures from the COMPANY shall be clearly marked "Final Bill". All bills shall be submitted to the COMMISSION no later than twenty four (24) months from the date of COMMISSION Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The DEPARTMENT shall, at the end of the 24th month from the COMMISSION's Order date, de-obligate all residual funds accountable toward the warning device installation costs for this project.

The COMPANY and TOWNSHIP shall at six (6) month intervals from the date of the Order subsequent to this Agreement until the project has been completed, submit written reports to the Director of Processing and Information, of the Commission's Transportation Division, stating the progress each has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and project manager information (the name, title, mailing address, phone number and facsimile number of the COMPANY's and TOWNSHIP's employee responsible for management of their portion of the project).

The COMPANY and TOWNSHIP shall at six (6) month intervals from the date of the Order subsequent to this Agreement until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures and/or percentage of completion of the aforementioned work; if either the COMPANY's or TOWNSHIP's portion of the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

The grade of the north highway approach to the TR 274 crossing does not currently conform to COMMISSION requirements. Due to the close proximity of the intersection of TR 274/Sidney-Homer Road to the crossing, it is not feasibly possible to make any improvement to the north highway approach grade. The TOWNSHIP should be granted a variance from the grade requirements of 92 Ill. Adm. Code 1535.204, and be allowed to maintain the north highway approach to the current grade as shown on Exhibit C, pages 1 and 2.

Section 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

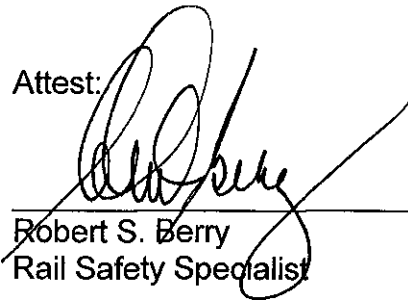
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 28th day of February, 2001.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Robert S. Berry
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 887 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with TR 274 near Sidney in Sidney Township, Champaign County, Illinois, designated as crossing AAR/DOT 479 905B milepost 326.22WA.

Executed by the Township of Sidney this 14th day of March, 2001.

THE TOWNSHIP OF SIDNEY

By: _____

Fred Munn

Attest:

Robert Z Keller - Township Clerk

Illinois Commerce Commission Stipulated Agreement No. 887 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with TR 274 near Sidney in Sidney Township, Champaign County, Illinois, designated as crossing AAR/DOT 479 905B milepost 326.22WA.

Executed by the Department this 20th day of March, 2001.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James C. Klifer
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 887 concerning improvements at the crossing of the track of the Norfolk Southern Railway Company with TR 274 near Sidney in Sidney Township, Champaign County, Illinois, designated as crossing AAR/DOT 479 905B milepost D-326.22.

Executed by the Company this 24th day of May, 2001.

NORFOLK SOUTHERN RAILWAY COMPANY

By: HR Comstock
General Manager

Attest:

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line NS Milepost 326.22 Inventory # 479 905B

Village Near Sidney Street TR 274A (2200 E) County Champaign

Jurisdiction Township Urban Rural X Commercial Residential

Street Surface Oil & Chip Width 11' Condition Good

Angle 90° Tracks Tangent N/A Degree of Curve N/A Superelevation N/A

Depth of Cut Height of Fill 6'

Crossino Surface

Track Centers	Elevation	Track	Type	Width	Condition
		Main	Timber/Asphalt	24'	Good

Intersecting Roads <100' 51' North to CH 15 <200' N/A

Traffic Control Devices Present: Stop Sign on TR 274A

ADT 50 Speed 55 (unposted) Statewide Yes

School Buses 41 day Hazardous Materials Farm Other

Rail Traffic: Ft. 38 @ 60 mph Pass. 0 @ mph Switch No

Simultaneous Movements: N/A Daylight and Dark: Yes

Present Protection: Crossbucks; sign posted on crossbucks, "Increases train traffic".

Advance Warning Signs south-yes Pavement Marking No
north-no effective display possible

<u>Visibility Study</u>				
(1439' @ 15' Recommended)		(704' @ 573' Recommended)		
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	*		N/A	See comment section
NW	*		N/A	See comment section
SE	*		**	
SW	*		500'@573'	trees and house
* adequate for maximum train speed vehicular speeds			** adequate for maximum train and	

<u>Approach Grades</u>									
North	25	'	3.60	%	50	'	2.40	%	%
South	25	'	15.20	%	50	'	3.20	%	%

Comments: The CH 15/TR 274 intersection is approximately 51' north of the crossing on TR 274. Due to the close proximity of the intersection to the crossing, a stopping visibility study of the northern two crossing quadrants is not possible. However, at the intersection, a motorist can see a train approaching the crossing.

Train traffic is anticipated to increase 8 trains/day after the Conrail merger.

Again, due to the close proximity of the CH 15/TR 274 intersection to the crossing on TR 274, it is not possible to improve the grade of the north highway approach to the crossing. The Township should be granted a variance from the grade requirements of 92 Ill. Adm. Code 1535.204 and be allowed to maintain the north highway approach to the existing grade as shown on Exhibit C, page 1.

Due to the amount of money being expended by the TOWNSHIP toward the improvement of the south highway approach, and in view of the financial condition of the TOWNSHIP, the Fund is paying the local, normal 10% share of the warning device installation cost.

As can be seen from Exhibit C, page 1, the existing crossing surface is of sufficient width to accommodate the roadway improvement, including the proposed shoulder area.

Detailed Estimate for Grade Crossing Warning Devices

City/State: SIDNEY, IL
Milepost: D-326.22
State Proj. No.:
S&E Proj. No.: 04.0443
Man Days: 84

Road: CR-2200E
DOT/AAR: 4799058
County: CHAMPAIGN
AFE:
File Number: 061-04.465

*****Purchases - Other*****

Meals and Lodging:	\$5,290.00	
Rental of Equipment: (2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 21 Days)	\$11,570.00	
Construction Supervision Vehicle:	\$220.00	
Contingencies:	\$530.00	
Purchases - Other Total:		\$17,610.00

***** Material and Additives*****

Material Cost:	\$60,610.00	
Sales and Use Tax:	\$3,030.00	
Material Handling Freight:	\$5,760.00	
Material Total:		\$69,400.00

*****Labor and Additives****

Labor Cost: (4 man crew at \$648.00 a day for: 21 days)	\$13,610.00	
Payroll Tax & Overheads:	\$11,780.00	
Preliminary Engineering:	\$3,560.00	
Construction Supervision:	\$3,840.00	
Labor Total:		\$32,790.00
Subtotal:		\$119,800.00
Credit: (Salvage/Scrap)		\$0.00
Project Total:		\$119,800.00

Estimated on 27-Aug-99

Estimated by: vectg